

FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

5 | Counsel for Defendant EDWARDS

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) No. CR 14-00043 JST
12 Plaintiff,)
13) STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING DATE
14 vs.) TO JULY 18, 2014 FOR CHANGE OF
15) PLEA HEARING AND TO EXCLUDE
16) TIME UNDER THE SPEEDY TRIAL ACT
17 SANTWAN EDWARDS,)
18 Defendant.)
19 Hearing Date: May 9, 2014
20 Time: 2:00 p.m.

The above-captioned matter is set on May 9, 2014 before this Honorable Court for a change of plea hearing. The parties jointly request that the Court continue this matter to July 18, 2014, at 9:30 a.m., for a change of plea hearing, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, between May 9, 2014 and July 18, 2014.

On January 23, 2014, the Grand Jury charged Mr. Edwards in one count as a felon in possession of a firearm, a violation of 18 U.S.C. § 922(g). Mr. Edwards faces a maximum sentence of 10 years for this offense. Mr. Edwards is out of custody and made his first district court appearance in this case on March 7, 2014.

1 The parties request that the Court continue this matter for a change of plea hearing. The
2 parties request this further continuance because Mr. Edwards has rejected the government's plea
3 offer and would like additional time to gather mitigation information and to conduct an
4 investigation. In addition, it is possible Mr. Edwards will enter into an open plea, and he would
5 like additional time to further discuss the sentencing guidelines and the sentencing factors under
6 18 U.S.C. § 3553 with his counsel before he decides to pursue this option. The parties request a
7 date in July because counsel for Mr. Edwards is unavailable between June 2 and June 20, 2014.

8 For these reasons, the parties agree that it is appropriate to continue this case until July
9 18, 2014. The parties further stipulate and agree that the ends of justice served by this
10 continuance outweigh the best interest of the public and defendant in a speedy trial. The parties
11 further agree that the failure to grant this continuance would unreasonably deny counsel for
12 defendant the reasonable time necessary for effective preparation, taking into account the
13 exercise of due diligence. Additionally, because of defense counsel's unavailability in June
14 2014, the parties agree that the failure to grant this continuance would unreasonably deny Mr.
15 Edwards continuity of counsel.

16 Accordingly, the parties agree that the period of time from May 9, 2014 until July 18,
17 2014 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
18 3161(h)(7)(A) and (B)(iv), for continuity of defense counsel and also for effective preparation of
19 defense counsel, taking into account the exercise of due diligence.

20
21 DATED: May 8, 2014

/S/
AMANDA BECK
Assistant United States Attorney

22
23 DATED: May 8, 2014

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 finds:

4 1. Given that Mr. Edwards has rejected the government's plea offer;

5 2. Given that defense counsel needs additional time to gather mitigation information

6 and to conduct an investigation before entering into a plea, and given that Mr. Edwards may enter

7 into an open plea and needs additional time to discuss that option with his defense counsel;

8 3. Given that the above-listed tasks are necessary for the defense preparation of the

9 case and that the failure to grant the requested continuance would unreasonably deny counsel for

10 defendant the reasonable time necessary for effective preparation, taking into account the

11 exercise of due diligence;

12 4. Given that counsel for Mr. Edwards is unavailable between June 2 and June 20,

13 2014 and unavailable to prepare this case during that time frame;

14 5. Given that the ends of justice served by this continuance outweigh the best interest

15 of the public and defendant in a speedy trial;

16 Based on these findings, it is hereby ordered that the status date of May 9, 2014,
17 scheduled at 2:00 p.m., is vacated and reset for a change of plea hearing on July 18, 2014, at 9:30
18 a.m. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §
19 3161(h)(7)(A) and (B)(iv), from May 9, 2014 until July 18, 2014.

DATED: 5/8/14


THE HONORABLE JON S. TIGAR
United States District Judge